

Message Text

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FM AMEMBASSY TEHRAN

TO SECSTATE WASHDC 6086

C O N F I D E N T I A L TEHRAN 2770

E.O. 11652: GDS

TAGS: PFOR, PINT, IR

SUBJECT: IRANIAN OBSERVANCE OF HUMAN RIGHTS

REF: STATE 45319

1. AS REQUESTED IN REFTTEL, THERE FOLLOWS THE SUMMARY PORTION OF EMBASSY AIRGRAM A-56 ENTITLED "IRANIAN OBSERVANCE OF HUMAN RIGHTS" WHICH WILL BE POUCHED MARCH 17.

2. SUMMARY: THE IRANIAN LEGAL SYSTEM PROVIDES A COMPREHENSIVE SYSTEM OF GUARANTEES OF BASIC HUMAN RIGHTS, COMBINING TRADITIONAL MOSLEM LEGAL PRINCIPLES WITH CODIFICATION LARGELY COPIED FROM THE BELGIAN SYSTEM. THESE GUARANTEES WERE EXPLAINED AT SOME LENGTH IN EMBASSY AIRGRAM A-47 OF LAST YEAR, WHICH ALSO CONTAINED A COMPARISON OF IRANIAN FORMULATIONS OF HUMAN RIGHTS, TO WHICH IRAN OFFICIALLY SUBSCRIBES. THE BODY OF LAWS ALSO CONTAINS SPECIFIC SAFEGUARDS, SUCH AS A PROHIBITION OF TORTURE WHICH ALSO PRESCRIBES SEVERE PENALTIES FOR ANYONE WHO TORTURES A PRISONER OR ORDERS THAT TORTURE BE USED.

3. CIVIL AND CRIMINAL CASES ARE HANDLED WITH FULL GUARANTEES OF CIVIL RIGHTS. CRIMES AGAINST THE STATE WHICH INVOLVE DESTRUCTION OF GOVERNMENT PROPERTY OR BODILY HARM ARE CONSIDERED BY THE GOI TO BE OF SUCH SERIOUS NATURE THAT NORMAL CIVIL RIGHTS ARE FORFEITED AND TRIAL IS BEFORE A MILITARY
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(SAVAK) CARRIES OUT INVESTIGATIONS IN SUCH CASES. THE EMBASSY HAS REASON TO BELIEVE THAT PHYSICAL ABUSE IS USED TO OBTAIN INFORMATION AND CONFESSIONS FROM PRISONERS IN THESE SPECIAL SECURITY CASES,

DESPITE THE ABOVE LEGAL PROHIBITION. ON THE OTHERHAND, THERE IS NO EVIDENCE OF INFORMATION WHICH ESTABLISHES THAT A "CONSISTENT PATTERN OF GROSS VIOLATIONS OF HUMAN RIGHTS" OCCURS IN IRAN. WE KNOW THAT WHEN THERE IS A STRONG PRESUMPTION OF GUILT, PRISONERS ARE OFTEN HELD FOR LENGTHY PERIODS(1-4 MONTHS) WHILE DOSSIERS ARE PREPARED FOR THEIR TRIALS BEFORE MILITARY TRIBUNALS, BUT THIS IS TRUE OF RELATIVELY FEW CASES, SAVAK HAS THE LEGAL AUTHORITY TO ORDER ARRESTS, TO INVESTIGATE CHARGES AND PREPARE CASES AGAINST THE ACCUSED, AND TO INSTITUTE TRIALS ONCE CASES ARE FULLY PREPARED. AT THE TRIALS, DEFENSE COUNSELS ARE PROVIDED, BUT THEIR AMBIT IS SEVERELY LIMITED. A MILITARY APPEALS PROCEDURE IS FOLLOWED WHICH CAN INCREASE PUNISHMENTS, BUT WHICH NOT INFREQUENTLY COMMUTES SENTENCES TO A LESSER PUNISHMENT, AND FINAL APPEAL IS ALWAYS TO THE SHAH HIMSELF. THESE TRIAL AND APPEAL PROCEDURES ARE EXPLAINED IN DETAIL IN THE BODY OF THIS AIRGRAM.

4. PERCEPTIONS OF THE ADEQUACY OF IRAN'S GUARANTEES OF HUMAN RIGHTS VARY WITH THE OBSERVER. IRANIAN OFFICIALS FROM THE SHAH ON DOWN SEE PROCEDURES FROM THE ARREST, SCREENING, AND INTERROGATION OF SUSPECTS BY POLICE AND SECURITY OFFICIALS IN CASES INVOLVING DAMAGE TO GOVERNMENT PROPERTY OR BODILY HARM AS FAIR WITHIN THE CONTEXT OF MAINTAINING STATE SECURITY. A WESTERN OBSERVER MIGHT CONSIDER THESE SAME PROCEDURES AS COMPRISING ARBITRARY ARRESTS AND UNWARRANTED DETENTION. TRIALS IN CIVIL AND CRIMINAL CASES REPRESENT THE MAJOR LEGAL CASE LOAD AND THESE ARE HANDLED WITHOUT VIOLATION OF HUMAN RIGHTS GUARANTEES, BUT IN CASES INVOLVING STATE SECURITY THE GOI TAKES A TOUGH STANCE. THE INCREASE IN TERRORISM IN THE PAST THREE YEARS IN PART ACCOUNTS FOR THE INCREASINGLY UNCOMPROMISING VIEWS OF IRANIAN SECURITY OFFICIALS. ANOTHER FACTOR IS THAT THE GOI'S EXPERIENCE, PEOPLE ARRESTED ON SECURITY GROUNDS AND RELEASED AFTER ENGAGE IN TERRORISM LATER. FOR THIS REASON, A RECENT LAW IMPOSES A MINIMUM OF FIVE YEARS IN PRISON FOR THOSE WHO THREATEN STATE SECURITY.

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5. AMENSTY INTERNATIONAL HAD BEEN ABLE TO COMPILE RATHER ACCURATED REPORTS ON TRIAL PROCEDURES AND VIOLATIONS OF HUMAN RIGHTS IN IRAN AS LATE AS 1972, BUT SINCE THEN ITS ACCESS HAS BEEN CURTAILED AND ITS INFREQUENT DESPATCH OF REPRESENTATIVES TO IRAN HAS RESULTED IN MINIMAL INFLUENCE ON THE SITUATION HERE. NO RECENT REPORTS OF ANY CONSEQUENCE CAN BE CITED. ON THE OTHER HAND, MR. WILLIAM BUTLER OF THE INTERNATIONAL COMMISSION OF JURISTS VISITED IRAN LAST YEAR AND RECEIVED GOOD COOPERATION FROM

IRANIAN OFFICIALS AND LAWYERS BECAUSE HE WAS BALE TO CONVINCE THEM THAT HE PLANNED TO WRITE A BALANCED REPORT ON THE IRANIAN LEAGL SYSTEM'S GUARANTEES OF HUAN RIGHTS. HIW CONCLUSION, AS RELATED TO EMBASSY OFFICERS, WAS THAT WHILE LEGAL GUARANTEES WERE ADEQUATE, IRAN OUGHT TO STRENGTHEN ITS APPEALS PROCEDURE. BY PROVIDING FOR MORE FREQUENT REDUCTION OF SENTENCES IRAN COULD NOT ONLY INDUCE PRISONERS TO COOPERATE WITH THE GOVERNMENT BUT WOULD IMPROVE ITS INTERNATIONAL IMAGE IN THE HUMAN RIGHTS FIELDS. THE EMBASSY HAS NOT SEEN A COPY OF HIS REPORT, WHICH HAD BEEN LARGELY COMPLETED PRIOR TO HIS VISIT.

6. TO TAKE A SPECIFIC CATEGORY OF ALLEGED HUMAN RIGHTS VIOLATIONS, THE EMBASSY HAS NOT BEEN SUCCESSFUL IN URGING THE GOI TO TREAT PRISONERS BETTER IN ORDER TO ENCOURAGE GREATER COOPERATION. IN GENERAL, THE GOI TODAY IS FAR LESS AMENABLE TO ADVICE FROM FOREIGN GOVERNMENTS ON SUCH MATTERS(WHICH ARE CONSIDERED TO BE PURELY DOMESTIC ISSUES) THAN AT ANY TIME SINCE 1953. AS A CASH PURCHASER OF BOTH EQUIPMENT AND ADVISORY SERVICES, IRAN IS NOT VULNERABLE TO THREATS OF DENIAL, BUT HAS SHOWN THAT IT IS READY TO DEAL WITH OTHER SUPPLIERS AS NECESSARY. OUR LEVERAGE IS THEREFORE QUITE LIMITED. END SUMMARY.
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